

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

THOMAS *et al.*

Appl. No. *To be assigned* (Continuation of
Appl. No. 09/719,108; § 371 Date: May 25,
2001)

Filed: September 26, 2003

For: **Gibberellin 2-Oxidase**

Confirmation No. *To be assigned*

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 0623.0970001/LBB/SJE

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **AL1**, **AT2**, **AR3**, **AR5**, and **AS5** are provided. Copies of the remaining documents were cited by or submitted to the Office in an Information Disclosure Statement that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/719,108, filed December 8, 2000, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regards to non-English language document **AL1** cited on Form PTO 1449:

Document **AL1**, Japanese Patent No. JP 9000069, is in the Japanese language. An unverified English language abstract of document **AL1** is cited as document **AT1**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

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should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: Sept 24, 2003

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SKGF Rev. 12/1802 mac; Rev. 08/07/03 svb

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT		ATTY. DOCKET NO. 0623.0970001/LBB/SJE	APPLICATION NO. <i>To be assigned</i>
		APPLICANT Thomas et al.	
		FILING DATE September 26, 2003	GROUP <i>To be assigned</i>

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	JP 9000069	01/07/1997	Japan			Yes <input checked="" type="checkbox"/> No
	AM						Yes <input type="checkbox"/> No
	AN						Yes <input type="checkbox"/> No
	AO						Yes <input type="checkbox"/> No
	AP						Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>1</u>	Bowie, J.U., et al., "Deciphering the Message in Protein Sequences: Tolerance to Amino Acid Substitutions," <i>Science</i> 247:1306-1310, American Association for the Advancement of Science (1990).
	AS	<u>1</u>	Chasan, R., "GA Biosynthesis: A Glimpse at the Genes," <i>Plant Cell</i> 7:141-143, American Society of Plant Physiologists (1995).
	AT	<u>1</u>	Derwent World Patents Index, Accession No. 1997-112670, English language abstract for JP 9-000069 (Document AL1).

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AR	2	EMBL Sequence Database, EMBL amino acid sequence from MacMillan, J., et al., "Gibberellin biosynthesis from gibberellin A12-aldehyde in endosperm and embryos of <i>Marah macrocarpa</i> ," <i>Plant Physiol.</i> 113:1369-1377 (April 1997), EMBL Accession No. 004162 (submitted July 1, 1997).				
	AS	2	EMBL Sequence Database, EMBL amino acid sequence from MacMillan, J., et al., "Gibberellin biosynthesis from gibberellin A12-aldehyde in endosperm and embryos of <i>Marah macrocarpa</i> ," <i>Plant Physiol.</i> 113:1369-1377 (April 1997), EMBL Accession No. Y09113 (submitted November 5, 1996).				
	AT	2	Hedden, P., and Phillips, A.L., "Gibberellin metabolism: new insights revealed by the genes," <i>Trends Plant Sci.</i> 5:523-530, Elsevier Science Ltd (December 2000).				

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	3	International Search Report for International Application No. PCT/GB99/01857, mailed December 1999, European Patent Office, Netherlands.
	AS	3	MacMillan, J., et al., "Gibberellin Biosynthesis from Gibberellin A ₁₂ -Aldehyde in Endosperm and Embryos of <i>Marah macrocarpus</i> ," <i>Plant Physiol.</i> 113:1369-1377, American Society of Plant Physiologists (April 1997).
	AT	3	McConnell, J.R., et al., "Role of <i>PHABULOSA</i> and <i>PHAVOLUTA</i> in determining radial patterning in shoots," <i>Nature</i> 411:709-713, Macmillan Magazines Ltd (June 2001).

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OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>4</u>	Sakamoto, T., et al., "Expression of a Gibberellin 2-Oxidase Gene Around the Shoot Apex Is Related to Phase Transition in Rice," <i>Plant Physiol.</i> 25:1508-1516, American Society of Plant Physiologists (March 2001).
AS	<u>4</u>	Singh, D.P., et al., "Gibberellins Are Required for Seed Development and Pollen Tube Growth in <i>Arabidopsis</i> ," <i>Plant Cell</i> 14:3133-3147, American Society of Plant Biologists (December 2002).
AT	<u>4</u>	Thomas, S.G., et al., "Molecular cloning and functional expression of gibberellin 2-oxidases, multifunctional enzymes involved in gibberellin deactivation," <i>Proc. Natl. Acad. Sci. USA</i> 96:4698-4703, National Academy of Sciences (April 1999).

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	AR	5	Hedden, P., "Constructing dwarf rice," <i>Nat. Biotechnol.</i> 21:873-874, Nature Publishing Co. (August 2003).				
	AS	5	Sakamoto, T., et al., "Genetic manipulation of gibberellin metabolism in transgenic rice," <i>Nat. Biotechnol.</i> 21:909-913, Nature Publishing Co. (August 2003).				
	AT						

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